

CITY OF TIGARD
ORDINANCE NO. 04-12

AN ORDINANCE PROVIDING A PROCESS FOR CONSIDERATION OF WRITTEN DEMANDS FOR COMPENSATION UNDER 2004 BALLOT MEASURE 37, ADDING A NEW CHAPTER 1.20 TO THE TIGARD MUNICIPAL CODE, AND DECLARING AN EMERGENCY.

WHEREAS, the City has developed a sound system of land use planning, which includes regulations that in some cases restrict the uses that can be made of property; and

WHEREAS, the restrictions on use of property have both served the public interest and increased property values by allowing the City to develop a harmonious way avoiding incompatible uses and assuring appropriate development; and

WHEREAS, the voters of the state adopted Ballot Measure 37 in the November 2004 election adding new sections to ORS Chapter 197, which provide that local governments may pay compensation to property owners for reductions in property values resulting from land use regulations that restrict uses of the property or may waive restrictions as an alternative to paying compensation; and

WHEREAS, some property owners may believe that existing or future land use regulations as applied to their property both restrict use of the property and reduce the fair market value of the property and consequently may bring claims under Measure 37; and

WHEREAS, Ballot Measure 37 explicitly allows local governments to develop procedures for assessing claims made under Measure 37; and


WHEREAS, it is appropriate for the City to provide a Measure 37 claims procedure; now, therefore;

THE CITY OF TIGARD ORDAINS AS FOLLOWS:

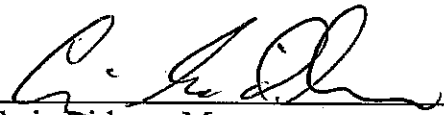
Section 1. The Tigard Municipal Code is amended by repealing the existing Chapter 1.20 and replacing it with a new Chapter 1.20 in the form of Exhibit A attached hereto and incorporated by this reference.

Section 2. Because this ordinance is necessary for the preservation of the health, safety and welfare of the City and is needed to provide a process for claims by December 2, 2004, an emergency is declared to exist and this ordinance shall be in full force and effect on December 2, 2004.

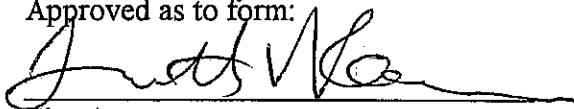
PASSED: By unanimous vote of all Council members present after being read by number and title only, this 23rd day of November, 2004.


Catherine Wheatley, City Recorder
Jane McGarvin, Deputy

APPROVED: By Tigard City Council this 23rd day of November, 2004.


Craig Dirksen, Mayor

Approved as to form:


City Attorney

November 23, 2004
Date

November 23, 2004

Ordinance 04-12 was adopted WITHOUT Exhibit A on November 23, 2004.

Council directed that Exhibit A to Ordinance 04-12 be revised. After the City Attorney makes changes to Exhibit A, it will brought back for ratification at a December Council meeting, and added to Ordinance 04-12.

Jane McGarvin
Deputy City Recorder